IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

AARON GLAESER,)
Plaintiff,)
v.) CASE NO. 3-05-1043) JUDGE WISEMAN/JUDGE GRIFFIN
CHEATHAM COUNTY, TN & JASON LITTLEJOHN))
Defendants.)

DEFENDANTS' MOTION TO COMPEL AND FOR SANCTIONS

Come now the Defendants, Cheatham County, Tennessee and Jason Littlejohn, by and through counsel, and pursuant to Federal Rule of Civil Procedure 37(a)(2) and moves this Honorable Court for an Order compelling the Plaintiff to complete and/or supplement his Rule 26(a)(1) initial disclosures.

Pursuant to Federal Rule of Civil Procedure 26(a)(1), the Plaintiff, on or about May 3, 2006, served upon counsel for the Defendants Plaintiff's initial disclosures. Therein, in Section (B) entitled Documents Relevant to Disputed Facts, the Plaintiff indicated that medical records and billing statements related to injuries of the Plaintiff are forthcoming. (See Plaintiff's Initial Disclosures, attached as Exhibit "A"). In Section (D) of Plaintiff's initial disclosures with respect to the computation of damages, the Plaintiff responded "to be determined." Id. To date, said incomplete responses have not been supplemented and no documentation has been provided to these Defendants despite repeated attempts by Defendants' counsel to confer with Plaintiff's counsel in good faith.

This Honorable Court has imposed a deadline for discovery related motions to be filed no later than November 6, 2006. The Plaintiff's failure to produce the required information in his initial disclosures has prejudiced these Defendants simply because the Defendants have no knowledge or way to ascertain the amount of damages related to the Plaintiff's medical expenses. Accordingly, the Defendants respectfully request that the Court enter an Order granting its motion and compelling the Plaintiff to appropriately provide answers and/or documentation as provided in F.R.C.P. 26(a)(1)(B) and (C) within ten (10) days or risk dismissal of his cause of action pursuant to F.R.C.P. 37. Furthermore, the Defendants request that they be awarded the fees and costs incurred in connection with their efforts to obtain Plaintiff's compliance with the discovery rules in an amount to be determined by the Court based upon the affidavit of services to be provided by Defendants' counsel prior to the hearing on this motion.

Respectfully submitted,

ORTALE, KELLEY, HERBERT & CRAWFORD

/s/ W. Carl Spining

W. CARL SPINING, #16302

Attorney for Defendants 200 Fourth Avenue North Third Floor – Noel Place P.O. Box 198985 Nashville, Tennessee 37219-8985 (615) 256-9999

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was sent via electronic service to the attorney for the Plaintiff, Adam Wilding Parrish, Esq., 110 South Cumberland, Lebanon, TN 37087 on this the 6th day of November, 2006.

/s/ W. Carl Spining

W. Carl Spining